

## **REMARKS**

After the foregoing amendment, claims 1 through 12, as amended, are active in the present application. Claims 1 and 12 are amended in order to more particularly point out and distinctly claim what the Applicants regard as the invention. No new matter has been added as a result of the amendment to claims 1 and 12.

A Request for Continued Examination (RCE) is being filed along with this amendment. Accordingly, entry and full consideration of the amendment is respectfully requested.

The Applicants wish to express their sincere appreciation to Examiner Enatsky for the courtesies extended during the telephone interview conducted on May 29, 2003. During the telephone interview, the proposed amendments to claims 1 and 12 were discussed. In addition, arguments were presented with respect to the manner in which claim 1, as amended, distinguishes over the prior art of record (Rosen). As a result of the proposed amendment to claim 1 and as a result of the arguments (summarized below) the Examiner agreed that the rejection in the last Office Action under 35 U.S.C. § 102 was overcome. However, the Examiner wished to give further consideration to claim 1 and, therefore, was unwilling to agree that claim 1 is allowable at this time.

During the interview, it was specifically argued that with the present invention, the data signal packets are continuously transmitted in an uninterrupted stream with each control signal packet, other than the first packet, immediately following the preceding packet in time. It was pointed out that this feature of claim 1, is illustrated by Fig. 1 which specifically shows the control signal packets immediately following each other in time. It was further pointed out that even when no actual control switches are actuated on the remote control unit, the encoder generates a distinct "stop" command comprising a series of specific control signal packets. It was pointed out that with the Rosen reference, the command signals are asynchronously transmitted as a series of repetitive command bursts with each burst having a burst time of approximately 2.5 milliseconds and with each command burst being separated by a much longer quiescent period, in the example given about 97.5 milliseconds. Thus, with the Rosen reference, the control signal packets do not flow in a continuous uninterrupted stream with each control signal packet, other than the first packet, immediately following the preceding packet in time.

During the interview, the rejection of claim 12 under U.S.C. § 112 was also discussed. The Applicants proposed deleting the term "software derived" from amended claim 12 and

reinserting the word "digital" as a description of the phase-locked loop. It was pointed out to the Examiner that support for this terminology is found in the specification at page 10 (paragraph 0031) beginning at line 23. After reviewing the specification, the Examiner agreed that the proposed amendment to claim 12 would overcome the rejection under 35 U.S.C. § 112.

In the final Office Action, claims 1, 3-4 and 9-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rosen. In view of the discussion during the telephone interview and the proposed amendment of claim 1, the Examiner agreed that the rejection of claim 1 under 35 U.S.C. § 102 had been overcome. It is respectfully submitted that dependent claims 3-4 and 9-11 also distinguish patentably over the Rosen reference at least by their dependency upon claim 1.

Claims 2 and 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rosen reference. It is respectfully submitted that claims 2 and 5-8 distinguish patentably over the Rosen reference due to their dependency upon amended claim 1.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosen in view of the AE reference. It is respectfully submitted that claim 12 now distinguishes patentably over the double reference combination at least by virtue of its dependency upon claim 1, as amended.

In view of the foregoing amendment and discussion, it is respectfully submitted that the present application including claims 1-12, as amended, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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